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Standards, Procedures and Public Appointments Committee

Stage 1 Report - The Scottish Local Government Elections (Candidacy Rights of Commonwealth Citizens) Bill

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Standards, Procedures and Public Appointments Committee

To consider and report on the following —
a. the practice and procedures of the Parliament in relation to its business;
b. whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
c. the adoption, amendment and application of any Code of Conduct for members;
d. matters relating to public appointments in Scotland;
e. matters relating to the regulation of lobbying.

(f) matters falling within the responsibility of the Minister for Parliamentary Business and Veterans



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Background and policy objectives of the Bill

1. The Scottish Local Government Elections (Candidacy Rights of Commonwealth Citizens) Bill was introduced by Jenny Gilruth MSP, Deputy First Minister and Cabinet Secretary for Finance and Local Government on 9 September 2026. The Bill and its accompanying documents are available on the Scottish Parliament website.

2. The purpose of the Bill is to correct an error in the Scottish Elections (Representation and Reform) Act 2025. One of the aims of the 2025 Act was to extend candidacy rights at Scottish Parliamentary and local government elections to all foreign citizens with limited leave to remain in the UK (subject to existing eligibility and disqualification conditions).

3. After the enactment of the 2025 Act, the Scottish Government became aware that it had not in fact extended candidacy rights in local government elections to Commonwealth citizens with limited leave to remain, because of a drafting error. The error did not affect candidacy rights for Scottish Parliament elections.

4. According to the Policy Memorandum, the aim of this Bill is "to remedy this error and extend candidacy rights at local government elections in Scotland to Commonwealth citizens with limited leave to remain in the UK".

5. Limited leave to remain "refers to people with time-limited visas allowing them to reside in the UK", such as those with student visas, skilled worker visas or family visas, or those who have been granted refugee status. Limited leave to remain does not apply to those with a pending claim for asylum.

6. The Scottish Parliament Information Centre (SPICe) has produced a briefing which provides a more detailed background to the Bill and outlines recent changes to candidacy rights in Scotland. [1]

Stage 1 scrutiny

7. The Standards, Procedures and Public Appointments Committee was designated lead committee for consideration of the Bill at Stage 1.[i] This means we must report to the Parliament on the general principles of the Bill. In doing so, we must also report on the financial memorandum and policy memorandum which accompany the Bill. We comment on these at relevant places in our report.[ii]

8. In view of the narrow, technical and corrective nature of this short Bill, we agreed to conduct the Stage 1 scrutiny under a relatively expedited timeline. In doing so, we noted the Scottish Government's wish for the Bill, if agreed to, to become law in time for the next local government elections on 6 May 2027.

9. We decided to not run a call for views on this Bill. A factor in this decision was that the Session 6 Standards, Procedures and Public Appointments Committee had run a call for views, which included a question about giving foreign nationals with limited leave to remain the right to stand in elections and had also taken oral evidence on this point (we outline this evidence later).

10. But it is important that the Bill is still robustly scrutinised, especially as it arises from a legislative oversight. We took oral evidence on the Bill on 1 and 8 October. We heard from a panel of technical experts on electoral law, including those who must implement and apply the Bill (if passed), followed by academic experts—

    - Association of Electoral Administrators (AEA)
    - Electoral Management Board for Scotland (EMBS)
    - Scottish Assessors Association (SAA)
    - Professor Alistair Clark (Professor of Political Science, Newcastle University)
    - Professor Toby James (Professor of Politics and Public Policy, University of East Anglia)

11. Finally, we took evidence from the Minister for Parliamentary Business and Veterans.

12. We have also received written submissions during our Stage 1 scrutiny of the Bill. These are available on the Bill homepage. We thank all those who contributed views to inform our scrutiny of the Bill at Stage 1.

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i Under Rule 9.6.3(A) of Standing Orders

ii Paragraphs 4,29, 31, 58 - 60, 85-87

Outline of Bill provisions

13. This is a short Bill of five sections. Section 1 is the key provision, as it makes the small change that the Scottish Government considers is necessary to correct the drafting error arising from the 2025 Act.

14. Section 4 provides that the Bill comes into force the day after it is enacted. This reflects the Scottish Government's wish to ensure that the Bill, if enacted, is in effect before the next Scottish local elections on 6 May 2027. But section 2 provides that it will not apply in the case of any council by-elections before then.

15. Section 3 sets out an ancillary provision which allows for Scottish Ministers to make changes by regulation in order to give full effect to this Act. These regulations are subject to the affirmative procedure if they amend an Act. Otherwise, they are subject to the negative procedure.

16. This is the only order-making power in the Bill. Its intended scope and purpose is described in the Delegated Powers Memorandum. The Delegated Powers and Law Reform Committee must report on any delegated powers within Bills. In its 17 September report it noted this was a standard provision found in most Bills and said it was content with "the power in principle and with the choice of procedure". [2] As lead Committee, we have nothing to add to these comments.

17. Section 5 is a standard provision setting out the Bill's short title.

What led to the drafting error in the 2025 Act?

18. The Explanatory Notes to the Bill outline the circumstances which led to the drafting error in the 2025 Act. The Notes explain that the "legislative framework for elections law is complex, having evolved over time with numerous piecemeal amendments". A 2020 joint report by the Scottish Law Commission and the Law Commission for England and Wales also concluded that UK electoral law "has become complex, voluminous and fragmented". [3]

19. We note also that electoral law could be made even more complex if the UK Parliament passes the Representation of the People Bill, the devolved aspects of which we are currently considering in parallel with this Bill. In recent evidence to us on that matter, Electoral Commission Scotland commented that the UK Bill "will also add another layer to an already multi-layered legal framework" that is "fragmented, outdated and increasingly complex, spread across at least 25 major statutes and is the responsibility of three legislatures".

20. The Scottish Elections (Franchise and Representation) Act 2020 extended candidacy rights for Scottish Parliament and local government elections to a new category named "qualifying foreign national" which included non-Commonwealth foreign nationals with indefinite leave to remain in the UK and EU nationals with pre-settled status.

21. According to the Explanatory Notes, Commonwealth citizens were not included in this category as "they could already stand with indefinite leave to remain". The aim of this change was to "broadly align the entitlements of Commonwealth citizens and other foreign nationals so that all persons with an indefinite right to live in Scotland could stand as candidates in devolved elections".

22. The Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022 created another new category of "schedule 6A nationals", which comprised foreign nationals of countries with which the UK had agreed bilateral treaties relating to candidacy rights in municipal elections. At the time of the Act's passage, this allowed "nationals of four countries [Luxembourg, Poland, Portugal and Spain] with any form of leave to remain to stand in local elections".

23. The 2025 Act removed the distinction between a "qualifying foreign national" and "schedule 6A nationals" with the intention to allow "all foreign nationals - including Commonwealth citizens" to stand in local government elections provided they had any form of leave to remain. Given that Commonwealth citizens were not included in the definition of a "qualifying foreign national" the change in rules inadvertently did not apply to them.

24. The Minister told us that the error arose because of the "way in which the franchise and candidacy entitlement have evolved across a range of different pieces of legislation over a long time" in a "piecemeal fashion which has caused some challenges". [4]

The case for correcting the legislative inconsistency

25. A Scottish Government online statement announcing the Bill's introduction explains that it will correct the current situation where “a United States citizen with limited leave to remain in the UK can stand in a council election, but a Canadian citizen with limited leave to remain cannot”.

26. Whilst some of our Stage 1 witnesses stressed that their primary role was to discuss technical and practical matters to do with electoral administration rather than express views on policy, no one argued that there was any logical reason to differentiate between these two categories of non-UK citizen in this way.

27. For Professor James and the AEA, the Bill was a necessary technical fix to correct an oversight. EMBS said it was unhelpful for election administrators to have inconsistent rules about candidates’ eligibility for different elections and that, by addressing this inconsistency, the Bill would help. It could also assist voters "by ensuring an understanding that the rules are consistent across all electoral events". [5]

28. Professor James also considered that the Bill addressed a “matter of principle” by ensuring equality in the treatment of all foreign nationals with limited leave to remain, as Parliament had intended when it passed the 2025 Act, and that this was grounds to support it. The Minister said that “change is needed because it will fulfil what the Parliament agreed to in the previous parliamentary session”. [6]

29. According to the Policy Memorandum, the Bill is necessary because there is no other way for the Scottish Government to correct the drafting the error. [7] Professor Clark said he accepted that “if you are going to rectify it, this probably is the right way to do so” but queried whether it was proportionate to have brought in primary legislation for a matter affecting such a small number of people. [8]

30. He went on to say that electoral law was “full of inconsistencies”, some of which were “probably more important to solve than [this issue]” and that “very little would happen” if the Bill was not enacted. He said that the group of people the Bill will affect “did not have candidacy rights to begin with” and therefore “nothing would be taken away from anyone”. He said he did “not see where the demand for this Bill comes from”. [8]

31. The Policy Memorandum states that “it is difficult to estimate the number of people who will gain candidacy rights at local government elections as a result of this Bill” but expects it to be low. It says that statistics on the number of Commonwealth citizens resident in Scotland with limited leave to remain “are not readily available”. It quotes National Records of Scotland statistics that in June 2021, there were 165,000 non-EU foreign nationals living in the UK [iii] but does not seek to extrapolate further from this, other than that the number of individuals likely to be affected by the Bill will be a “significantly smaller” number than this. [9]

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iii The only Commonwealth EU states are Malta and Cyprus, with a total population of around 1.5 million.

Recommendations

32. This Bill is to correct an error in legislation passed in 2025. It should be acknowledged that it was not picked up during Parliamentary scrutiny. Nonetheless, there is a heavy responsibility on the Scottish Government, with the significant resources at its disposal, to take care over any prospective legislation and ensure it gets it right. It is disappointing to be in the position of having to use resources and scrutiny time to address this error and we urge the Scottish Government to ensure its pre-introduction processes are robust, so that similar errors are avoided in future.

33. As the Scottish Government has noted, the error was made against the backdrop of a messy and complex statute book, which made mistakes more likely. However, piecemeal reform from government has helped create this unnecessarily cluttered legislative landscape. The Scottish Government (where necessary working with the UK Government) should consider consolidating the relevant law into one clear statute, so that candidates, administrators and the public can understand it better.

34. We accept that the Bill has been introduced to correct an error; to put Commonwealth and non-Commonwealth citizens with limited leave to remain on an equal footing as candidates in Scottish local elections, and that there is a logical case for doing so. However, upon reflection, we do not accept the premise that there should be a general right for non-UK citizens with limited leave to remain to be councillors or MSPs and are concerned that agreeing to this Bill may further entrench this policy. We therefore do not support the general principles of this Bill.

Candidacy rights of foreign citizens with limited leave to remain

35. The sole reason why this Bill is now before the Parliament is because of legislative reforms made towards the end of the last Parliamentary session – in the 2025 Act – that gave candidacy rights to foreign nationals with limited leave to remain. There was renewed focus on these changes in the aftermath of the 2026 Scottish Parliament elections and some of the public were surprised to discover that these rules existed.

36. This is a narrow and technical Bill, intended to remedy a specific defect in that set of changes, with very limited scope for amendment should the Bill pass Stage 1. Consideration of this Bill has nevertheless provided an opportunity to continue the discussion on the principle of extending candidacy rights in this way, given the renewed public interest in this matter. As Professor Clark commented, whilst the Bill's purpose was technical and corrective, it "is primary legislation in its own right" and it is right to "question the principles behind a Bill". [10]

Scottish Government consultation on electoral reform

37. Prior to introducing the Bill that became the 2025 Act, the Scottish Government ran a consultation on electoral reform from December 2022 to March 2023. The Ministerial foreword stated that the consultation "seeks to deliver on the joint undertaking between the Scottish Government and the Scottish Green Party [11] to […] promote active participation in elections by under-represented groups, including young people and foreign nationals". [12]

38. The analysis of the consultation responses showed that 77% of the 491 respondents disagreed with the proposals to extend candidacy rights to people with limited leave to remain, with higher disagreement among individuals. The analysis goes on to say that "organisations were more supportive" with 88% of 8 respondents representing organisations in favour of candidacy rights for foreign nationals with limited rights to remain. [13]

39. The reason given for supporting the change was broadly that these were people living in Scotland who had a right to take part in decisions about their community as elected Members. [13]

40. According to the analysis, there were two main reasons for opposing the change:

- that only full and not "temporary" citizens should have a say in Scotland's laws (the analysis says this was the most common reason)
- that having limited leave to remain may mean being unable to complete a full electoral term and this could be problematic. [13]

Committee scrutiny in Session 6

41. The session 6 Standards Procedures and Public Appointments Committee was the lead Committee for the Bill that became the 2025 Act. As part of its scrutiny for that

Bill, it issued a Call for Views which included a question about allowing foreign nationals with limited leave to remain to stand for election. [14]

42. As there was no awareness at the time of the gap later identified in the 2025 Act, this would have been intended as a question about allowing all foreign nationals to stand in Scottish Parliament or local elections, including Commonwealth citizens.

43. The Summary of Responses [15] noted that eight organisations and several individuals expressed an opinion on this topic. The organisations were either supportive of the changes or did not expressly say they supported or opposed the changes. Instead, some practical issues were raised, such as the implications of leave to remain expiring during a term of office. Individuals had varied views.

44. The Stage 1 report [16] discussed extending candidacy rights to foreign nationals with limited leave to remain in paragraphs 55 to 89. These paragraphs include an overview of the evidence received by the Committee.

45. In oral evidence, the session 6 Committee heard from some stakeholders who were supportive in principle of extending the right to stand for elections; to the effect that it would "help make Scotland a strong and inclusive society". For instance, the Scottish Refugee Council viewed the extension as "a matter of fairness, equality and democratic principle". Some others, including Professor Clark, whose Stage 1 evidence to us on the point of principle is summarised below, queried the need or rationale for the change.

46. Some stakeholders also thought the change could further complicate electoral law and increase costs for the Scottish Government. The Convener of the EMBS said the change could raise the risk of a by-election (because a person elected might be unable to complete their term in office), which would be "arguably unnecessary and certainly costly".

47. The session 6 SPPA Committee supported the extension of candidacy rights to individuals with limited leave to remain.

Is Scotland an outlier?

48. The Scottish Government's consultation on electoral reform [12] prior to the introduction of the Bill for the 2025 Act states that "Scotland has one of the world's most generous and inclusive arrangements for voting and candidacy rights" as "the Scottish Parliament has […] chosen to extend voting and candidacy rights in devolved elections on a unilateral basis". It says this contrasts with "many democracies [which] extend […] candidacy rights on an equivalent basis, set out in an international treaty with two or more countries agreeing to grant voting and candidacy rights to each other's nationals".

49. No other UK country extends candidacy rights at local elections to all foreign nationals with limited leave to remain.

50. Professor Clark told us that Scotland's approach to candidacy rights for foreign nationals appeared atypical. He said that in preparing for the evidence session he had looked for but failed to find any international examples of countries that took as expansive an approach as we do. [17]

51. Professor James told us that "candidacy rights for people who are categorised as non-citizens are more common in local elections in various parts of the world, especially in Europe. It is less common in national elections and more common in local elections". [18]

52. Given that those with indefinite leave to remain will very often include students, one specific matter we raised with the Minister whether he thought a student could balance their student duties with being a councillor. He said that a councillor is a part-time role, which is "remunerated on that basis". There are "many instances" of people balancing full-time employment with being a councillor and ultimately this is a matter for the individual councillor. [19]

Is Scotland's approach right in principle?

53. We sought views on whether the change intended by the 2025 Act was right in principle. Professor Clark suggested that he had "never heard compelling reason" for the extension of candidacy rights in the 2025 Act: it was "a solution in search of a problem". The Scottish Government consultation had showed that 77 per cent of the public is against the expansion of candidacy rights, and that "public opinion is an a very different place to where elite opinion is". Professor Clark said it had been "more than unfortunate" that the period after the Scottish Parliament elections in 2026 "was taken up by controversy" about the candidacy rights to foreign nationals with limited leave to remain. He said that when "parliamentary problems of such a nature hit the headlines", public confidence "takes a hit". [20]

54. In advancing the Bill for the 2025 Act, the Scottish Government argued as a point of principle [21] that "all those able to vote in Scottish Parliament and local government elections should also be able to stand as candidates". Professor Clark, however, said that the proposition "that you need to be eligible for election in order to be represented" was "a fundamental mischaracterisation […] of the representative process". He said that MSPs are "responsible for representing all […] constituents" and that somebody is not without representation just because they cannot stand for office. Professor Clark concluded that "candidacy rights do not naturally follow from voting rights. [22]

55. Professor James took a different view. He agreed that voting rights and candidacy rights are separate but viewed them as "part of being a citizen" as candidacy rights can shape the political agenda. [23]

56. The Minister told us that the focus should be on fixing the "inconsistency" that the Scottish Government had discovered, and that this was what the Bill was for. But—

> "If there is wider work to do that the committee decides to look at, the Government will of course engage with that." [24]

Risk and cost of additional by-elections

57. As well as being interested in views on the principle of allowing people with limited right to remain being electoral candidates, we sought views during Stage 1 on two more specific issues.

58. The first was on by-elections. During the passage of the Bill for the 2025 Act, the

Scottish Government acknowledged that more by-elections was a slight risk that arose from allowing people with limited leave to remain to take elected positions. This was because they may not be able to remain in the country long enough to fulfil their duties for the full term. The Financial Memorandum for that Bill said that this risk was "highly unlikely". It estimated the one-off cost to councils for a by-election at £50,000-£80,000. This broad cost estimate does not appear to have been challenged[iv]. [25]

59. The Financial Memorandum for this Bill has identical estimates for the cost of a by-election. It says exact costs will differ "depending on the particular geography and size of the electorate of the relevant ward". It says that the number of people who could benefit from the Bill by gaining candidacy rights is "difficult to estimate" and does not provide a number. [25]

60. The Memorandum estimates the increased risk of by-elections as a result of the Bill to be "marginal" and "unlikely" because of the confluence of circumstances it would require: a Commonwealth national with limited leave to remain in the UK; and who meets other eligibility criteria for standing would have to stand, be elected, and then have their leave to remain expire during their term of office, and not within 6 months of the next scheduled local government election (in which case there would be no by-election). [25]

61. The EMBS told us that when an elected official "becomes disqualified" there would be a by-election. This could happen for example if someone's visa expires and they no longer have leave to remain in the UK. The SAA noted that elected members can become disqualified for a number of reasons and therefore "focussing on one possible aspect is not necessarily productive". [5]

62. The Minister told us the likelihood of by-elections is "marginal" and by-elections can happen for all sorts of reasons. [26]

Foreign interference in the Scottish electoral process

63. The second issue we explored with witnesses was the risk of foreign interference in the electoral process. The Bill will expand the category of non-UK nationals who can stand in local elections, although the principle of doing so was of course supported when the Bill for the 2025 Act was passed.

64. Whilst supporting the principle of extending candidacy rights, our predecessor Committee had noted concerns raised in Stage 1 evidence for that Bill "about the potential risk that the extension of candidacy rights could be used by foreign players to undermine Scotland's electoral system". It invited the Scottish Government to "provide an undertaking to consider potential mitigations against such risks". The Scottish Government responded saying it "will consider how best to consider potential mitigations for the risks identified". [27]

65. Professor James told us that the issue of foreign interference in elections had "become more prominent" since the 2025 Act and should be considered more carefully. Although foreign interference mainly occurs "through disinformation", there

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iv For instance, Dumfries and Galloway Council's evidence on the Financial Memorandum, noted that "indicative costs for a local government by-election are reasonable".

could be an opportunity for candidates to be influenced by overseas actors. [28]

66. Professor Clark agreed that foreign interference seemed to be a growing risk and that there are various ways in which foreign actors can be an issue: "we are talking not only about candidacy rights but about misinformation and influencing elected representatives". Local government elections may seem to be at lower risk from foreign interference, but Professor Clark explained that local councils can award significant grants and that candidates "can help to shape the direction of a campaign". He expressed concern that there are "no mitigations" against foreign interference and that we are not "even asking questions about it". [18]

67. Professor James suggested that "collecting data on the nationality of candidates" may be one way of mitigating the risk of foreign interference. However, he said that considering people whose nationality is not British or Scottish to be "a potential risk to democracy and a possible source of foreign interference" [18] was also a risk to the fairness of our democratic processes. He told us that "any representative of any nationality […] might be influenced by various actors" including companies and that it is "part of the parliamentary process and democratic politics to scrutinise candidates and politicians". [28]

68. In our session with the Minister, we asked him to set out how the Scottish Government mitigates the risk of foreign interference in elections. In a follow-up response, he explained that the Scottish Government draws "on the UK-wide security and intelligence services who monitor and address foreign interference" and that a Scottish Election Cell was convened in advance of the 2026 Scottish Parliament elections. The Cell brought together "Scottish Government officials, Police Scotland, and electoral administrators to consider threats and risks to the Scottish Parliament election".

69. The letter further notes that "the amount of engagement between the UK and the Scottish Government in relation to election security is good" and that "information sharing between governments, and with police forces, has significantly mitigated risks to our elections". The letter adds that "in 2026, the Scottish Government also had ongoing engagement with the UK Government on considering mis- and dis-information relating to elections, including foreign interference" and that "no concerns have been raised with the Scottish Government that the ability of foreign nationals to stand in elections in Scotland has led to foreign interference".

70. We also note recognition in the current Representation of the People Bill before the UK Parliament, of the increased risk of foreign interference. The Bill includes a provision requiring political parties and candidates to consider the risk of foreign or illicit sources of funding.

Enforcement of the rules on standing

71. We asked witnesses how the rules on eligibility to stand for elections are policed. On the administrative side, this appears very light touch, because the relevant bodies do not consider that this is their role to check candidates' eligibility, or that they have the powers and resources to do so.

72. Because of this, the general view of election administrators was that the Bill would not have a material effect on the work that they do. The EMBS explained that returning officers accept a nomination paper at face value as they "do not have the powers to undertake any investigation into or research in the qualification of candidates". [29]

73. Candidates for election must make a formal legal declaration confirming their eligibility to stand, and knowingly making a false statement on nomination papers is a criminal offence. The EMBS told us that "nomination papers include an extract of the relevant law" [30] and that it is for the "candidates to determine whether they are qualified to stand". [29]

74. We asked witnesses whether ID checks could be used to verify eligibility. The EMBS said that checking the eligibility of every candidate would add significantly to their administrative work and add further costs and time to an already onerous process, with thousands of upcoming nominations for 1227 council seats in May next year. [31]

75. The Minister said cases of ineligible council candidates appeared to be very rare. He explained that "since the 2025 Act took effect, we have cast a glance across all the by-elections and checked to see whether any of the candidates who were elected fell foul of those rules, and none of them did, so I do not think that it is a substantial risk". [26]

Data on council candidates

76. We heard from witnesses that, in keeping with the light touch approach to checking for eligibility in advance, information on matters such as candidates' nationality, immigration and visa status is not collected during the nomination process.

77. Professor Clark explained that this made it "hard to discern" [32] what impact widening eligibility to stand would actually have. Professor James agreed that current data on who is standing for elections "is very limited". He said collecting more data such as on ethnicity, age and gender "would help to build an inclusive democracy" and that it "it would make sense to include nationality, because that would allow policy makers to have a greater insight into how things function". [22] Professor James also called for the whole nomination process to be reviewed: he said it was paper-based and "quite Victorian". [33]

78. Professor Clark noted that the "quickest way" of collecting more data about candidates could be to require returning officers to collect it. Another option would be to require political parties themselves to report the data but he acknowledged that parties "might not want to go down that road". [33]

79. The AEA said it would require legislation to mandate the collection of additional data during the registration process. Requiring political parties to return this data would be an option but would leave a gap where independent candidates are concerned. [33]

Recommendations

80. The Committee strongly supports the principle that our elected representatives should be diverse and, collectively, should look like the communities they represent.

81. Before the passage of legal reforms in 2025, Scotland already had relatively progressive rules on who could stand for election. The 2025 reform, which allowed non-UK nationals with limited leave to remain to stand as MSPs and councillors on a non-reciprocal basis appear to have run ahead of public opinion, made Scotland a relative outlier in this area, and were not clearly evidenced as needs-based. At a time when confidence in politicians and state institutions is fragile, especial care is required in relation to any electoral reforms that may risk undermining trust in the democratic process. The Committee therefore recommends that the Scottish Government reconsiders its position of allowing foreign nationals with limited leave to remain to stand for Scottish Parliament and local government elections.

82. Our evidence-taking has also underlined the extent to which trust and confidence are key elements in the electoral process. In particular, the rules on eligibility to stand are largely self-policing, with no built-in process for checking whether nomination forms appear accurate. We are partly reassured to know there is cross-governmental and cross-agency working to monitor election interference. Robust election campaigning and media reporting also play a role ensuring candidates play by the rules. The process is nonetheless significantly dependent on candidates acting in good faith. We also live in a time of growing geopolitical tension with international actors increasingly having the tools and motivations to intervene in domestic public affairs.

83. All of this underlines the need for future approaches to electoral law reform to be pragmatic, practical and hard-headed. We urge the Scottish Government to reconsider whether the current system for checking candidates' eligibility in Scottish Parliament and local government elections remains fit for purpose for current times.

84. We also urge the Scottish Government to ensure more data is collected about candidates, including details of their nationality and visa status, in order to have a better understanding of the extent to which candidates are reflective of communities.

Financial Memorandum and costs of the Bill

85. The only potential costs of the Bill discussed to any extent in the Financial Memorandum are the potential costs of a by-election should a Commonwealth citizen with limited leave to remain be unable to complete their term as councillor. As noted above, the Memorandum considered the risk of this cost (which would fall mainly on the relevant local authority) actually crystallising to be low. The Memorandum discusses costs to the Scottish Parliament, the Electoral Commission and individuals and business, but only in order to dismiss these as nil or as de minimis "business as usual" costs.

86. The Finance and Public Administration Committee wrote to this Committee on 29 September 2026 to say that, given the low costs involved, the Committee would not carry out any scrutiny work on the Memorandum. [34]

87. The Committee accepts that new costs created by this Bill are likely to be low or negligible and is broadly content with the Financial Memorandum. There has been a cost to the Parliament and Scottish Government, in terms of use of time and resources in introducing and considering this Bill.

[1] The Scottish Parliament - SPICe Briefing. (2026). Scottish Local Government Elections (Candidacy Rights of Commonwealth Citizens) Bill. Retrieved from https://www.parliament.scot/chamber-and-committees/research-prepared-for-parliament/research-briefings/2026/9/23/sb-2662

[2] Scottish Parliament, Delegated Powers and Law Reform Committee . (2026, September 17). Delegated Powers in the Scottish Local Government Elections (Candidacy Rights of Commonwealth Citizens) Bill at Stage 1. Retrieved from https://www.parliament.scot/chamber-and-committees/committees/committee-reports/dplr/2026/9/17/dplrs072026r5/pdf

[3] Law Commission of England and Wales; Scottish Law Commission. (2020, March 16). Electoral Law: a joint final report. Retrieved from https://www.scotlawcom.gov.uk/sites/default/files/2026-02/Electoral_Law_-_A_joint_final_report_Report_No_256.pdf

[4] Standards, Procedures and Public Appointments Committee. (2026, October 8). Official Report, col: 16. Retrieved from https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=20298

[5] Standards, Procedures and Public Appointments Committee. (2026, October 1). Official Report, col: 11. Retrieved from https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=20282

[6] https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=20298. (2026, October 8). Official Report, cols: 5, 16. Retrieved from https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=20298

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